

From the INTERNATIONAL BUREAU

**PCT****NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)**

(PCT Rule 44bis.1(c))

To:

MCCRACKIN, Ann M.  
Schwegman, Lundberg & Woessner, P.A.  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
ETATS-UNIS D'AMERIQUE

Date of mailing (*day/month/year*)

10 January 2008 (10.01.2008)

Applicant's or agent's file reference

2043.269WO1

**IMPORTANT NOTICE**

International application No.

PCT/US2006/023807

International filing date (*day/month/year*)

20 June 2006 (20.06.2006)

Priority date (*day/month/year*)

20 June 2005 (20.06.2005)

Applicant

EBAY INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)



Schwegman Lundberg  
& Woessner P.A.

JAN 22 2008

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The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Beate Giffo-Schmitt

Facsimile No. +41 22 338 82 70

e-mail: pt03.pct@wipo.int

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 2043.269WO1	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/US2006/023807	International filing date ( <i>day/month/year</i> ) 20 June 2006 (20.06.2006)	Priority date ( <i>day/month/year</i> ) 20 June 2005 (20.06.2005)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant EBAY INC.			

- This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
- This REPORT consists of a total of 4 sheets, including this cover sheet.  
  
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.
- This report contains indications relating to the following items:
 

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application
- The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 24 December 2007 (24.12.2007)
Facsimile No. +41 22 338 82 70		Authorized officer  Beate Giffo-Schmitt
Form PCT/IB/373 (January 2004)		e-mail: pt03.pct@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: Ann M. McCrackin  
Schwegman, Lundberg, Woessner & Kluth, P.A.  
P.O. Box 2938  
Minneapolis, Minnesota 55402

Date of mailing  
(day/month/year) **28 FEB 2007**

Applicant's or agent's file reference  
**2043.269WO1**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.  
**PCT/US 06/23807**

International filing date (day/month/year)  
**20 June 2006 (20.06.2006)**

Priority date (day/month/year)  
**20 June 2005 (20.06.2005)**

International Patent Classification (IPC) or both national classification and IPC  
**IPC(8) - G06F 17/30 (2007.01)**  
**USPC - 707/6**

Applicant **EBAY INC.**

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/US  
Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450  
Facsimile No. 571-273-3201

Date of completion of this opinion  
**27 January 2007 (27.01.2007)**

Authorized officer:  
**Lee W. Young**

PCT Helpdesk: 571-272-4300  
PCT OSP: 571-272-7774

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US 06/23807

**Box No. I**      **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:



the international application in the language in which it was filed



a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material



a sequence listing



table(s) related to the sequence listing

b. format of material



on paper



in electronic form

c. time of filing/furnishing



contained in the international application as filed



filed together with the international application in electronic form



furnished subsequently to this Authority for the purposes of search

3. ☐

In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US 06/23807

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	4, 6, 11, 23-25	YES
	Claims	1-3, 5, 7-10, 12-22	NO
Inventive step (IS)	Claims	6, 11, 23	YES
	Claims	1-5, 7-10, 12-22, 24, 25	NO
Industrial applicability (IA)	Claims	1-25	YES
	Claims	None	NO

**2. Citations and explanations:**

Claims 1-3, 5, 7-10 and 12-22, lack novelty under PCT Article 33(2) as being anticipated by US 2002/0065802 A1 (Uchiyama).

Regarding Claims 1-3 and 9, Uchiyama is directed to a system (Fig. 5) including: (a) a search engine (Personal Search Engine on LHS), (b) a recommendation engine (elmt. 528, Person Recommendation Engine).

Regarding Claim 5, 10, 12, 14 and 20, Uchiyama teaches: (a) determining a first number of users that performed a database search using search query A, and subsequently determining a subset of the first number of users that performed a database search using search query B (para. [0089] In 3, filtering), and performing a predetermined post-search activity (para. [0089] In 3, ranking), (b) recommending search query B to a current user (elmt. 528, Person Recommendation Engine).

Regarding Claim 15 and 18, a method of computerized commerce system including: (a) tracking session data (para. [0060], In 6-7), (b) editing the tracked session data (Fig. 5, elmt 520, Analysis, processing, data mining, clustering), (c) maintaining a historical count of the number of times a page is viewed (para [0089], In 9, maintaining a hits count).

Regarding Claim 21, see the discussions for both Claims 12 and 15.

Regarding Claim 22 Uchiyama teaches identifying sequential page views (para [0027], In 1-2). Further, Uchiyama teaches regarding tracking and providing a recommendation based on the tracking information, see the discussions for Claims 12 and 15.

Regarding Claim 7, it is implicit (Fig. 5) that the Matching Engine (elmt. 550) of Uchiyama does not return a search if the search query contains a grammatical error.

Regarding Claims 8, 13 and 19, a search query can contain a product title (Fig. 5, Multimedia Search Engine), and the recommendation filters (para. [0089] In 3, filtering) the one or more recommended searches. One or more products/services may be purchased based on the recommendation.

Regarding Claims 16 and 17, if a search phase or a search category are: (a) on a prohibited list, (b) contains a complex search operator, the operations may be explicitly handled by the Matching Engine (Fig. 5, elmt. 550), thus eliminating the tracked session data.

Claims 4, 24 and 25, lacks an inventive step under PCT Article 33(3) as being obvious over Uchiyama.

Regarding Claims 4 and 24, a commerce transaction in a auction is well known (e.g. Ebay). It would have been obvious to one of ordinary skill in the art to combine the teachings of Uchiyama with an auction based commerce transaction because it can be made available to millions of users online.

Regarding Claim 25, the step of eliminating sequential page views wherein the search terms are common in the search queries in the search queries of the first and second page views is analogous to the situation cited in (para. [0029], In 12-17).

Claims 6, 11 and 23 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest each of the steps of claims 1 and 9, and further that subsequent to recommended searches (post-search activity) that a threshold number of users purchased one or more products/services identified by recommended searches; or each of the limitations of claim 22 and further that identifying sequential pages views includes eliminating predetermined page views in the absence of predetermined post-search activity in response to the result set returned by the second page of each sequential page view.

Claims 1-25 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.